

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

CHRISTOPHER TODD UPTON, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	No. 3:12-CV-295
v.	)	(VARLAN/GUYTON)
	)	
BFNL, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02. Now before the Court is a Motion to Withdraw [Doc. 14], filed by Attorney James K. Scott. Attorney Scott states that a lack of cooperation and lack of communication supports his withdrawing as counsel for Plaintiff Todd Upton.

Local Rule 83.4 requires that: counsel request permission to withdraw as counsel; include the current mailing address and telephone number of the client; provide a copy of the motion to the client fourteen days prior to filing; and certify that the requirements of the rule have been met. See E.D. Tenn. L.R. 83.4(f).

The Court finds that the Motion to Withdraw did not satisfy Rule 83.4, when filed on September 30, 2013, because it did not certify that a copy of the Motion to Withdraw was served upon Mr. Upton fourteen days prior to the Motion to Withdraw being filed. The Motion to Withdraw did, however, certify that a copy of the Motion to Withdraw was mailed to Mr. Upton on September 30, 2013. The Court finds that fourteen days have elapsed since this mailing, and the Court finds that Rule 83.4's notice requirement has been satisfied.

The Court finds that the Motion to Withdraw does not include Plaintiff's telephone number. However, Mr. Upton has filed a notice that includes his telephone number, and the Court finds that this deficiency is effectively cured.

The Court, therefore, finds that the Motion to Withdraw satisfies Local Rule 83.4 on its face, and because the Local Rule is satisfied, the Court finds that a hearing on this issue is not necessary. Accordingly, the Motion to Withdraw **[Doc. 14]** is **GRANTED**. Attorney James K. Scott **SHALL** turn any relevant documents over to Mr. Upton and advise Mr. Upton of all pertinent dates and deadlines in this case in writing. Thereafter, Mr. Scott is **RELIEVED** of his duties as counsel in this matter.

As of entry of this Memorandum and Order, Plaintiff Todd Upton is deemed to be proceeding *pro se*. If the Plaintiff intends to secure substitute counsel in this matter, he must do so immediately.

The Clerk of Court **SHALL** enter Plaintiff's current mailing address of 404 East Wayne Street Maumee, Ohio, 43537, and his telephone number of (320) 444-4508, in the docket of this case. The Clerk of Court **SHALL** mail a copy of this Memorandum and Order to the Plaintiff at the above address.

**IT IS SO ORDERED.**

ENTER:

s/ H. Bruce Guyton  
United States Magistrate Judge